Grey Rock, Inc. Petitioner

* OF BALTIMORE COUNTY * Case No. 92-98-A

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the height of accessory bath house structures to be 21 and 23 ft., in lieu of the permitted 15 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner/property owner, Grey Rock, Inc., by Mark Dopkin, Esquire, appeared. Also appearing on behalf of the Petition was John Dorment, a principal in Grey Rock, Inc. and George Gavrelis, an expert Land Planner. There were no Protestants.

Testimony indicated that the subject property, known as Grey Rock, is a residential subdivision located adjacent to Reisterstown Road in the Third Councilmanic District. The entire site is approximately 52 acres in size and features a variety of zoning classifications. The Petitioner is developing a residential community comprised of approximately 240 dwell-

ings, including both Villa Townhomes and European Flats.

The subject Petition addresses a variance requested for an accessory use on site; namely, a pool with accessory structures. Specifically, Mr.

Gavrelis testified that the Developer proposes to build a pool with accessory bath houses for the use of the residents of the subdivision. Further, testimony indicated that because of the restrictive covenants for this community, as well as the Petitioner's esthetic concerns, a compatible architectural style is required for the entire community. In order to achieve a compatible architectural style for the accessory bath houses, they must be built to an elevation of 21 and 23 ft. in lieu of the permitted 15 ft.

Mr. Gavrelis further testified that a denial of the variance would unnecessarily burden the property owner in that the aforementioned esthetics could not be maintained and compliance not ensured with the restrictive covenants. Lastly, he indicated that the granting of the variance would not adversely affect the public safety and welfare, but would be compatible with the existing locale, and the spirit and intent of the zoning regulations. It should further be noted that the Zoning Advisory comment from the Office of Planning is favorable to the proposed variance.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 33 day of County that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the height of accessory bath house structures to be 21 and 23 ft., in lieu of the permitted 15 ft., in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

RECEIVED FOR FILING

Land Planning Environmental Sciences

Engineering

Surveying/GIS

Landscape Architecture

Computer Technologies

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

October 22, 1991

Mark D. Dopkin, Esquire 20 South Charles Street Baltimore, Maryland 21201

> RE: Petition for Zoning Variance Grey Rock, Inc., Petitioner Case No. 92-98-A

Dear Mr. Dopkin:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

cc: Peoples Counsel

cc: John Dorment, President, Grey Rock, Inc. cc: George Gavrelis, Daft, McCune and Walker

Petition for Variance to the Zoning Commissioner of Baltimore County The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.3 to permit the height of accessory bath house structures to be 21 and 23 feet in lieu of the permitted 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Strict compliance with the standard is unnecessarily burdensome.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

,	
Signature	
Address	
City and State	
Attorney for Petitioner: Mark D. Dopkin (Dope or Print Name) Signature 20 South Charles Street Address	,
Baltimore, MD 21201 City and State	

Attorney's Telephone No.: 539-6967

Contract Purchaser/Lessee:

I/We do solemnly declare and affirm. under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Grey Rock, Inc. (Type or Print Name) John Dorment, President P. 0. Box 4308 Lutherville, MD 21093 Name, address and phone number of legal owner, contract purchaser or representative to be contacted

REVIEWED BY:

ESTIMATED LENGTH OF HEARING (-1/2HR +1HR. AVAILABLE FOR HEARING MON. LTUES. / WED. - NEXT TWO MONTHS

DAFT · MCCUNE · WALKER. INC. 200 East Pennsylvania Avenue Towson, Maryland 21204 301 296 3333 FAX 301 296 4705

To Accompany Zoning Petition

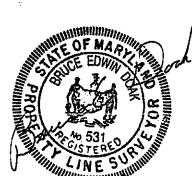
0.16 of an Acre Parcel

Northeast of the Intersection of Reisterstown Road with Mount Wilson Lane Third Edition District, Baltimore County, Maryland

Beginning for the same at the point North 59 degrees East 1370 feet, more or less, from the intersection of the centerline of Reisterstown Road, variable width, with the centerline of Mount Wilson Lane, thence running, referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, the four following courses and distances, viz: (1) North 25 degrees 27 minutes 00 seconds East 115.00 feet, thence (2) South 64 degrees 33 minutes 00 seconds East 60.00 feet, (3) South 25 degrees 27 minutes 00 seconds West 115.00 feet, and thence (4) North 64 degrees 33 minutes 00 seconds West 60.00 feet to the point of beginning; containing 0.16 of an acre of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE. Project No. 87030.C1

July 25, 1991



A Team of Land Planning Environmental & Engineering Professionals Providing Complete Site Services & Development Solutions

for returning, said property to its original condition.

for Baltimore County

cc: Peoples Counsel

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland

Posted for: Narcance	Date of Posting September 30, 1991
etitioner: Guy Rock, Inc.	nt end of Grey Rock Road Enstourn and Grey Rock Roads property
ocation of property: 160 E of Easternme	st ended they Rock Read
" Gray Rock Buth House"	J. J. J.
ocation of Signs: SE/corner of Perste	estour and Grey Rock Roads
at entrance to subject	property
demarks:	
Posted by S.J. Arata	Date of return: Getelen 4, 1941

CERTIFICATE OF PUBLICATION THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 9100, 199

Variance: to permit the height of accessory bath house struc-ures to be 21 and 23 ft. In lieu of

THE JEFFERSONIAN.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 24,199

> OWINGS MILLS TIMES, S. Teke Orlan

> > odiesen

Account: R-001-6150

Baltimore County

Zoning Commission

County Office Building Zoning Commisioner County Office Building 111 Ivest Chesapeake Avenue Towson, Maryland 21204

COMPLIER DOWN

NON RES. VAR. 175.00

OWNER: GREY ROCK INC. 100' EAST OF THE EASTERNMOST DESC. END OF GREY ROCK RD FEW NO ADDRESS.

3RD ED.

\$175.00 04A0480083MICHRC 8A C011:09AM08-20-91 Please Make Checks Payable To: Baltimore County

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue

September 17, 1991

Grey Rock, Inc. P. O. Box 4308 Lutherville, Maryland 21093

Re: Case Number: 92-98-A 100' E of Easternmost end of Grey Rock Road 3rd Election District - 3rd Councilmanic Petitioner(s): Grey Rock, Inc. HEARING: MONDAY, OCTOBER 18, 1991 at 2:00 p.m. CORRECTION IN DATE AND/OR TIME OF HEARING

Please be advised that the Notice of Public Hearing for the above captioned matter should read as follows:

MONDAY

Towson, MD 21204

OCTOBER 21, 1991

2:00 p.m.

cc: MARK D. DOPKIN, ESQ.

Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

PAID PER HAND-WRITTEN.

H9200099

PRICE

PUBLIC HEARING FEES 020 -ZONING VARIANCE (OTHER)

1 X \$175.00 TOTAL: \$175.00 LAST NAME OF OWNER: GREY ROCK, INC.

8/25/91

Please Make Checks Payable To: Baltimore County

Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

111 West Chesapeake Avenue

Mark D. Dopkin, Esquire

20 South Charles Street

Baltimore, MD 21201

Dear Mr. Dopkin:

accordingly.

process with this office.

Towson, MD 21204

Account: R-001-6150 Number

to the second

CONTRACTOR OF A PROPERTY OF A STATE OF and the control of th se salam de oblas specimente que

> JAAOAHU12ONICHRO BA 0011#29AN10-16-91 Please Make Checks Payable To: Baltimore County

> > Baltimore County Government

October 7, 1991

Petition for Variance

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans

submitted with the above referenced petition. The attached comments

from each reviewing agency are not intended to assure that all

parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are

made aware of plans or problems with regard to the proposed

Enclosed are all comments submitted thus far from the members of ZAC

that offer or request information on your petition. If additional

comments are received from other members of ZAC, I will forward them

to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the

date of the enclosed filing certificate and a hearing scheduled

The following comments are related only to the filing of future

zoning petitions and are aimed at expediting the petition filing

Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office

without the necessity of a review by Zoning personnel.

The Director of Zoning Administration and Development

improvements that may have a bearing on this case.

RE: Item No. 99, Case No. 92-98-A Petitioner: Grey Rock, et al

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

Office of Zoning Administration and Development Management Office of Planning & Zoning

Baltimore County Government

111 West Chesapeake Avenue Towson, MD 21204

Grey kock, Inc. P. O. Box 4308 Lutherville, Maryland 21093

DATE: 16 8-91

CASE NUMBER: 92-98-A 100' E of Easternmost end of Grey Rock Road "Grey Rock Bath House" 3rd Election District - 3rd Councilmanic Petitioner: Grey Rock, Inc. HEARING: MONDAY, OCTOBER 18, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 86.91 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

cc: Mark D. Dopkin, Eps.

Zoning Plans Advisory Committe Coments Date:October 7, 1991

> Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

> Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Chairman Zoning Plans Advisory Committee

JED: jw

Enclosures

cc: Mr. John Dorment Grey Rock, Inc. P.O. Box 4308 Lutherville, MD 21093

Baltimore County Government Office of Zoning Administration and Development Management

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Variance to permit the height of accessory bath house structures to be 21 and 23 ft. in lieu of the

County will hold a public hearing on the property identified herein in

111 West Chesapeake Avenue Towson, MD 21204

111 West Chesapeake Avenue

SEPTEMBER 13, 1991

CASE NUMBER: 92-98-A

"Grey Rock Bath House"

Baltimore County

cc: Grey Rock, Inc.

Mark D. Dopkin, Esq.

Petitioner: Grey Rock, Inc.

100' E of Easternmost end of Grey Rock Road

HEARING: MONDAY, OCTOBER 18, 1991 at 2:00 p.m.

3rd Election District - 3rd Councilmanic

Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 20th day of August, 1991.

Petitioner: Grey Rock, et al Petitioner's Attorney: Mark D. Dopkin

Office of Planning & Zoning

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: September 30, 1991 Zoning Administration and

Pat Keller, Deputy Director Office of Planning and Zoning

Development Management

SUBJECT: Grey Rock, Inc., Item No. 99

In reference to the applicant's request, staff offers the following comments:

Based upon a review of the information provided, this office is confident that the proposed bathhouse would be compatible with the architectual design of the existing mansion and the proposed dwellings.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

ITEMNO99/TXTROZ

92-98-A. CITZ

(301) 887-4500

SEPTEMBER 16, 1991

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

Arnold Jablon Director Zoning Administration and Development Management Paltimore County Office Building Towson, MD 21204

RE: Property Owner: GREY ROCK, INC.

100' E OF THE EASTERNMOST END OF GREY POCK

Item No.: 99 Zoning Agenda: SEPTEMBER 3, 1991

Gentlemen:

Location:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Fire Prevention Bureau Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 24, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for September 3, 1991

The Developers Engineering Division has reviewed the subject soning items and we have no comments for Items 55, 56, 54, 82, 85, 88, 89, 90, 93, 94, 96, 97, 98, and 99.

For Item 84, see the County Review Group comments for the St. Lukes Apartment site.

For Item 91, the previous County Review Group and Public Works Agreement comments remain in effect.

For Item 92, the previous County Review Group comments remain in effect.

For Item 95, see the County Review Group comments for

this site.

For Item 101, comments are reserved for this site until the County Review Group meeting

Developers Engineering Vivision

RWB:s

Do/10/91 92-98 # 00/21 BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE October 7, 1991

ZONING OFFICE

ZONING COMMISSIONER, DEPARTMENT ZONING

RICHARD F. SEIM, PLANS REVIEW CHIEF,

DEPARTMENT OF PERMITS & LICENSES

ZONING ITEM #: 99 SUBJECT: PROPERTY OWNER: Grey Rock, Inc.

> LOCATION: 100' E of the Eastermost end of Grey Rock Road (no address) ELECTION DISTRICT: 3rd COUNCILMANIC DISTRICT: 3rd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () NUMBER PARKING SPACES

COUNCIL BILL #192-90 EFFECTIVE 1/13/91

() RAMPS (degree slope) () CURB CUTS () SIGNAGE

() BUILDING ACCESS PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).

() OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY

92-98-11 10-12

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: October 8, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 3, 1991 ITEM NUMBER: 99

Please see the C.R.G. comments for this site.

Traffic Engineer II

RJF/lvd

News from The Village of Grey Rock

Breaking Ground

Vol. 1, No. 1

A gala celebration on June 17 marked the beginning of construction for The Village of Grev Rock. Guests enjoyed the hospitality of hosts John Dorment, George McCleary and Richard G. Carter, principals of Grev Rock, Inc. Luncheon fare and Maryland wines set the tone for the gracious lifestyle now taking form on the magnificent 52-acre historic site overlooking the entrance to the Green Spring

"This is a plan that is a win-win for everyone." Councilman C.A. "Dutch" Ruppersberger

cally by the press in light of The Village of Grey Rock's prestigious location and the breakthrough of a climb in new home sales. Newspapers, radio and television commentators reported on the "new way" "We need growth and development, of living" now underway in Garrison, but we need to make sure we have green Maryland.

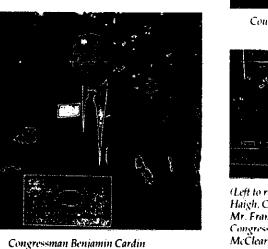
At the podium...

WBAL-TV interviews Richard Carter

Honored guests on the ceremonial groundbreaking shovels included U.S. Congressman Benjamin L. Cardin, State Senator Paula Hollinger, Third District Baltimore County Councilman C.A. "Dutch" Ruppersberger, III, Second District Baltimore County Councilman Melvin Mintz, Baltimore County Director of Community Development Frank

Welsh, and Bank of Baltimore President John C. Haigh. Speakers' remarks during the ceremonies harmonized on both the quality and the concept of the European Flats and the Villas. The unique, new residential properties, coupled with Grey Rock's sound conservation-oriented approach to the land management, drew rave re-







spaces," commented Councilman Ruppersberger. "This is a plan that is a

win-win for everyone. It will maintain

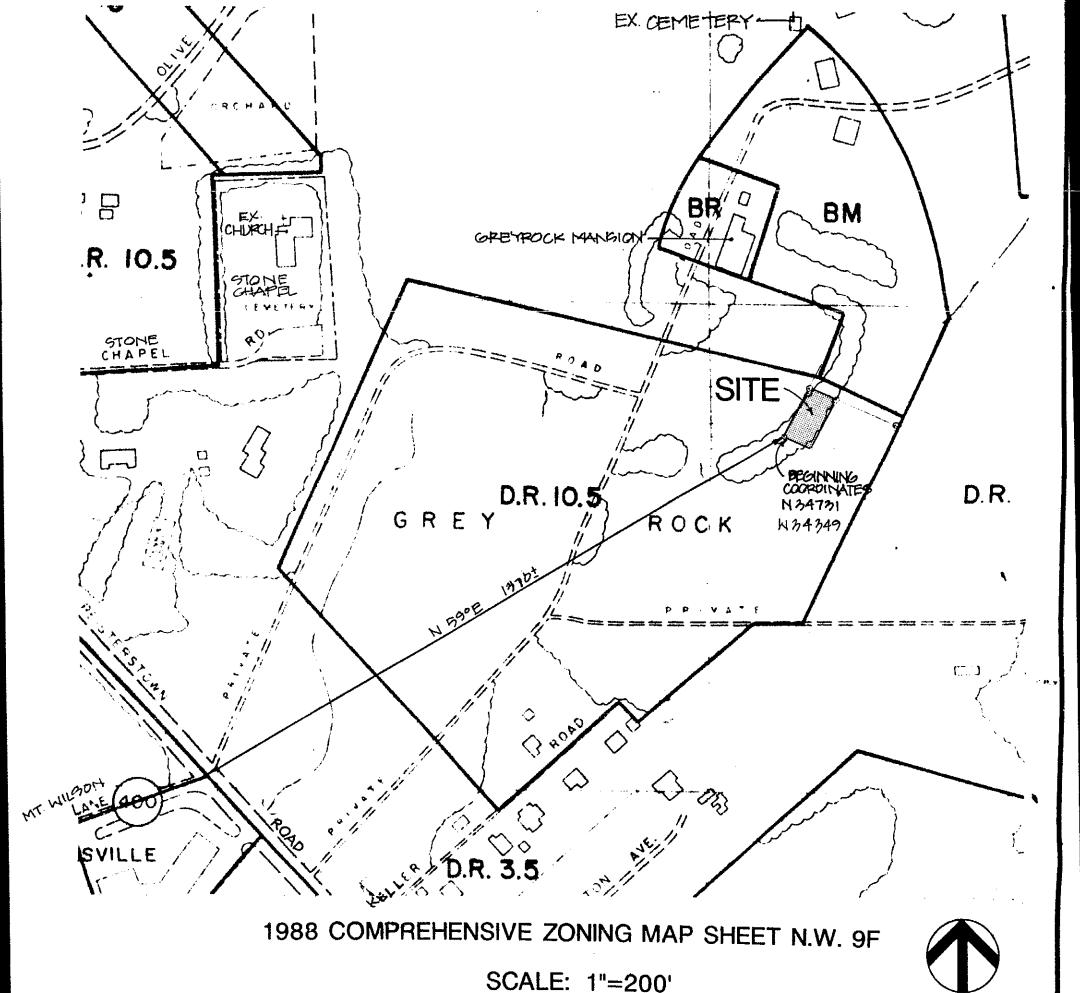
The event was covered enthusiasti-

the dignity and character of this area."

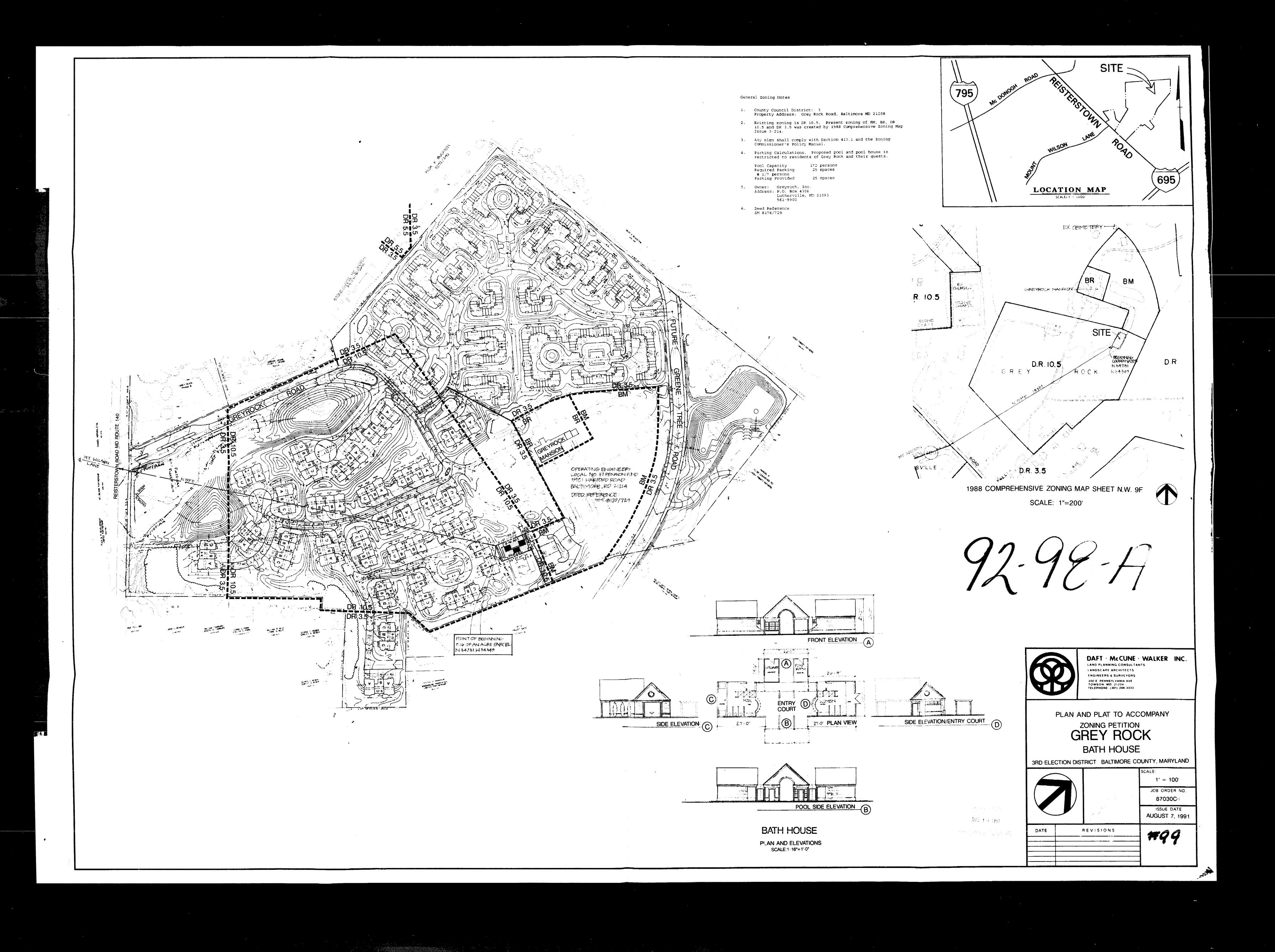
Fall, 1991



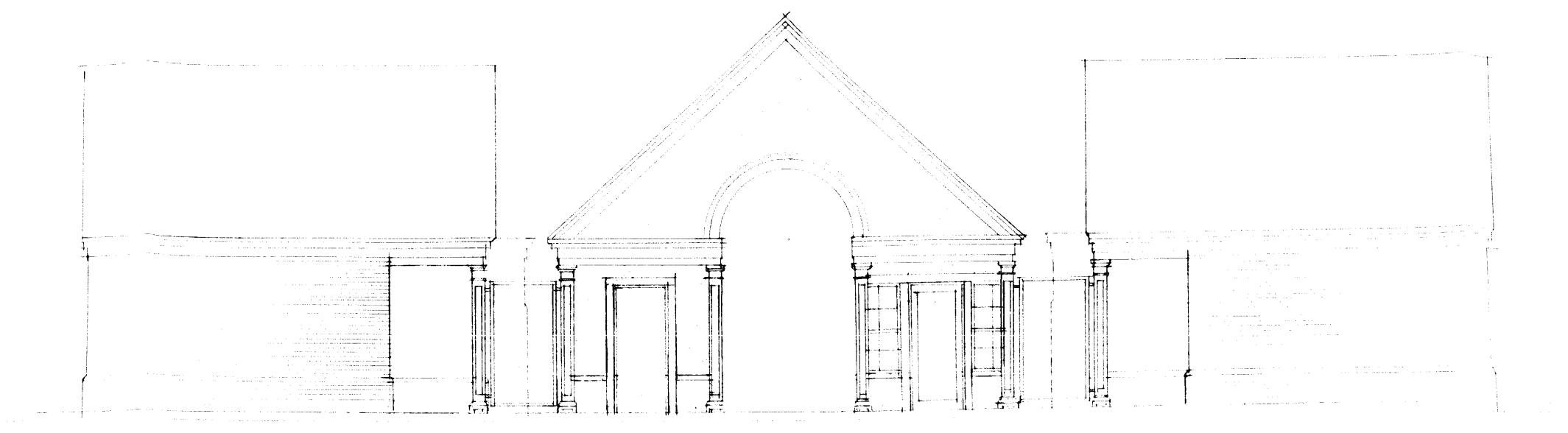
Mr. Frank Welsh, Senator Paula Hollinger, Congressman Benjamin Cardin, Mr. George McCleary, Mr. John Dorment, Mr. Richard Carter LOCATION MAP SCALE: 1" = 1000"

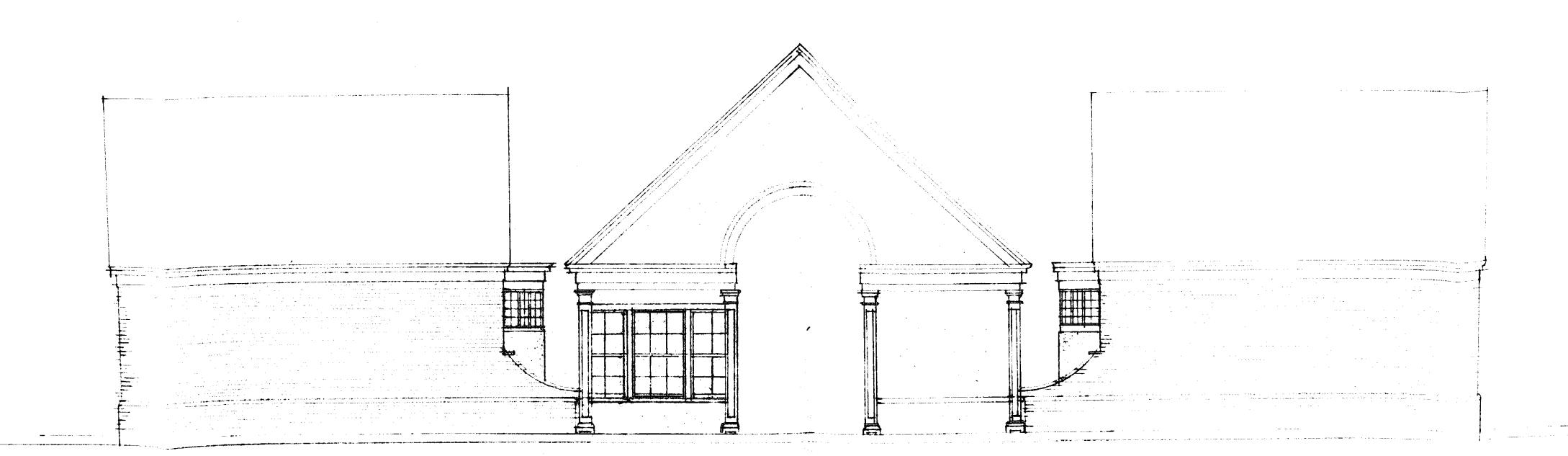


PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY 20 S. Charles St 21201 MARKD. DOPKIN 13 018 Palonia RQ JOHN DORMENT 200 E. Pennsylvania Ave 21204 GEORGE GAYRELIS









PETITIONER'S
EXHIBIT 103